

CIVIL DISTRICT COURT FOR THE PARISH OF ORLEANS
STATE OF LOUISIANA

CASE NO. 18-3843

DIVISION "T"

Section 14

THE SOUTHERN CENTER FOR ENVIRONMENTAL JUSTICE, INC. d/b/a DEEP SOUTH
CENTER FOR ENVIRONMENTAL JUSTICE, VAYLA NEW ORLEANS,
JUSTICE AND BEYOND, 350 NEW ORLEANS, SIERRA CLUB,
MR. THEODORE QUANT, AND MS. RENATE HEURICH

VERSUS

THE COUNCIL OF THE CITY OF NEW ORLEANS, THE UTILITY, CABLE,
TELECOMMUNICATIONS AND TECHNOLOGY COMMITTEE OF THE NEW ORLEANS
CITY COUNCIL, JASON R. WILLIAMS, HELENA MORENO, JOSEPH I. GIARRUSSO,
JAY H. BANKS, KRISTIN GISLESON PALMER, JARED C. BROSSETT, AND CYNDI
NGUYEN

FILED: _____

Deputy Clerk

JUDGMENT

Petitioners' Amended Petition to Enforce the Louisiana Open Meetings Law, for Declaratory Judgment, Injunction, and Attorneys' Fees and Costs came before this Court for hearing on July 19, 2018.

Present at the hearing in court were:

William Quigley, Monique Harden, Alexander Bollag, Susan Stevens Miller, and
Jill Tauber, for petitioners; and

Corwin St. Raymond, William Goforth, and Cherrell S. Taplin, for defendants.

After considering the pleadings and memoranda filed with this Court, the evidentiary record, and the arguments of counsel, this Court announced its ruling in open court on June 14, 2019. The Court explained this judgment is to make sure that "citizens voices are heard" at City Council meetings. Regarding the February 21, 2018 meeting of the Utilities, Cable, Telecommunications and Technology Committee of the New Orleans City Council ("UCTTC") and the March 8, 2018 meeting of the New Orleans City Council (the "Council"), the Court found that the Council "did nothing wrong." The Court acknowledged the Council's own investigatory findings that, as a result of Entergy New Orleans' actions, "paid citizens were

Yvonne Fonta
VERIFIED
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present” at public meetings held on October 16, 2017 and February 21, 2018. The Court further found that “Entergy’s actions undermined” the Open Meetings Laws, La. R.S. 42:11, *et seq.* Finally, the Court found that “the Open Meetings Laws were not adhered to as relates to the meaning and policy behind the Open Meetings Laws.”

IT IS ORDERED, ADJUDGED AND DECREED that, for the reasons stated in open court on June 14, 2019, there be judgment in FAVOR of petitioners, The Southern Center for Environmental Justice, Inc. d/b/a Deep South Center for Environmental Justice, VAYLA New Orleans, Justice and Beyond, 350 New Orleans, Sierra Club, Mr. Theodore Quant and Ms. Renate Heurich, and AGAINST defendants, The Council of the City of New Orleans, the Utility, Cable, Telecommunications, and Technology Committee of the New Orleans City Council, Jason R. Williams, Helena Moreno, Joseph I. Giarrusso, Jay H. Banks, Kristin Gisleson Palmer, Jared C. Brossett, and Cyndi Nguyen; and

IT IS FURTHER ORDERED, ADJUDGED and DECREED that, for the reasons stated in open court on June 14, 2019, the action of the then-sitting members of the UCTTC at its February 21, 2018 meeting is VOID; and

IT IS FURTHER ORDERED, ADJUDGED and DECREED that, for the reasons stated in open court on June 14, 2019, the action of the then-sitting members of the New Orleans City Council adopting Council Resolution No. R-18-65 at a March 8, 2018 meeting is VOID.

New Orleans, Louisiana, this _____ day of June 2019.

THE HONORABLE PIPER D. GRIFFIN
DISTRICT COURT JUDGE

VERIFIED

RULE 9.5 CERTIFICATECIVIL
DISTRICT COURT

I certify that I circulated this proposed judgment via email for review and comment beginning on June 17, 2019 to counsel of record for the defendants, noted below:

William R. H. Goforth - wrgoforth@nola.gov,

Corwin St. Raymond - cmstraymond@nola.gov; and

Donesia D. Turner - donesia.turner@nola.gov.

Counsel for the defendants have raised only one objection to the proposed judgment with the following argument presented via email on June 26, 2019, which is quoted in its entirety:

The Council believes the Court may have only intended to Void the February 21 meeting. The Court's June 14 oral ruling and the proposed judgment reflects that "paid citizens were present." The Council is not aware of any evidence establishing the presence of paid citizens at the March 8 meeting. Therefore, the Council objects to the proposed judgment's order concerning the March 8 meeting. Further, the Council's belief is supported by the language used by the Court when requesting that the Petitioner's prepare a judgment. Judge Griffin stated, "I would ask that Petitioners simply prepare a judgment that vacates the original ruling..." Given there were two votes/meetings, it appears the Court may have only intended to vacate the first vote.

Petitioners contend that there is no support for this objection as the Court, in ruling from the bench at the June 14, 2019 hearing, neither distinguished the two public meetings for separate analysis and findings; nor did the Court specifically identify each meeting by date or function. Defendants' objection is contrary to the verbal ruling made by this Court, which correctly recognizes that the process for public meetings must ensure that citizens' voices are heard and in the room. As for the March 8, 2018 public meeting of the New Orleans City Council and the February 21, 2018 meeting of the Council's Utilities, Cable, Telecommunications and Technology Committee, the Court makes no finding that citizens' voices were heard and in the room at either of these public meetings. In raising this objection, Defendants appear to seek a different ruling from this Court and a different law for public meetings that would shift the responsibility for ensuring open meetings from the City Council to Entergy. In the rounds of review and comment on this proposed judgment, counsel for petitioners have discussed this issue with opposing counsel at length without finding resolution.

I have allowed eight (8) working days before presentation to the court.

Certified this 27th day of June 2019.



Counsel for Petitioners**VERIFIED**

Certificate of Service

I certify that I have served a copy of this proposed judgment via electronic mail on opposing counsel this 27th day of June 2019.

A handwritten signature in black ink, consisting of stylized, overlapping loops and strokes, positioned above a horizontal line.

Counsel for Petitioners